

REMARKS

As a preliminary matter, Applicant appreciates the Examiner's indication that Claims 6, 7, 13 and 14 contain allowable subject matter, and would be allowed if amended into independent form. In response, Applicant has amended Claims 6 and 13 into independent form. Accordingly, Applicant respectfully requests an indication of the allowance of independent Claims 6 and 13 and associated dependent Claims 7 and 14.

As an additional preliminary matter, Applicant has amended independent Claims 1 and 8 to recite that the irregularities are "non-linear." Applicant respectfully submits that support for this claim amendment can be found in the drawings and written description as originally filed. More specifically, Figures 2, 4, 6 and 8 all clearly show that the irregularities on rough surfaces 6, 16, 26 and 36 are "non-linear." Additionally, Applicant respectfully submits that one of ordinary skill in the art would clearly recognize that the irregularities described in the written description and formed by any of the methods disclosed in paragraphs [0010], [0021] and [0022] of the written description (for example with physical or chemical treatments, such as shot peening, chemical blasting, or spraying particles thereon) would result in non-linear irregularities.

Claims 1, 5, 8 and 12 stand rejected under 35 U.S.C. §103 as being unpatentable over United States Patent No. 4,676,288 to Zinnen. Applicant respectfully traverses this rejection.

Applicant respectfully submits that the cited reference fails to disclose or suggest all of the features of the present invention. More specifically, the Zinnen reference

fails to disclose or suggest a noise reducing device for a wheel rim, where the noise reducing device includes, *inter alia*, a shell structure with a rough surface portion having a ten-point height of non-linear irregularities (Rz) in a range of 0.1 to 5.0 mm, as defined in independent Claims 1 and 8.

Instead of the claimed noise-reducing device with *non-linear* irregularities, as defined in independent Claims 1 and 8, the device of Zinnen includes corrugations, such as corrugations 5, 13 or 16 (Figures 1-6), or knurling 25 (Figure 7), on both a support member 4 and the radially inner surface of the tire 2. As can be seen in the Figures of the Zinnen reference, the corrugations and/or the knurling do not consist of "non-linear irregularities," as recited in Claims 1 and 8. Instead, the corrugations/knurling of the support member 4 are all of a linear form, so that they can mate with an opposing radially inner surface of the tire, which also includes linear corrugations/knurling, when the tire is underinflated or deflated. The Zinnen reference discloses that such a mating relationship prevents sliding between the tire and wheel when the tire is underinflated or deflated. The Zinnen reference does not disclose or suggest that the corrugations and/or the knurled surface are used for reducing noise, nor does it disclose or suggest the use of non-linear irregularities. Accordingly, as all of the features defined in independent Claims 1 and 8 are not disclosed or suggested in the Zinnen reference, Applicant respectfully requests the withdrawal of this §103 rejection of independent Claims 1 and 8 and associated dependent Claims 5 and 12 under the Zinnen reference.

Additionally, Applicant also requests the withdrawal of the §103 rejection of Claims 1, 5, 8 and 12 under the Zinnen reference because one of ordinary skill in the art would not have modified the device of Zinnen to include a rough surface portion with a ten-point height of irregularities (Rz) in a range of 0.1 to 5.0mm of independent Claims 1 and 8. As correctly acknowledged by the Examiner, the Zinnen reference fails to expressly disclose the range of 0.1mm to 5.0mm. The Examiner further asserts that one of ordinary skill in the art would have found the claimed range to be obvious in view of the remainder of the disclosure of the Zinnen reference.

In response, Applicant respectfully asserts that one of ordinary skill in the art would not have found the claimed range of 0.1 to 5mm to be obvious because the purpose of the corrugations in the Zinnen reference differs from the purpose of the irregularities in the invention of Claims 1 and 8. More specifically, as mentioned above, the corrugations of the Zinnen reference are intended to provide a mating relationship with opposing corrugations on the inside of the tire to prevent sliding between the tire and wheel when the tire is underinflated or deflated. In contrast, in the present invention of Claims 1 and 8, no mating corrugations are required, and the claimed irregularities are for reducing noise. Accordingly, Applicant respectfully submits that when optimizing the depth/height of the corrugations of Zinnen, one of ordinary skill in the art would have optimized with the objective of preventing sliding, and not with the objective of reducing noise, which is not disclosed in Zinnen. Applicant further submits that the optimal range for preventing sliding would not necessarily be the same as the optimal range for reducing noise. Accordingly, Applicant respectfully

submits that it would not have been obvious to one of ordinary skill in the art to have arrived at the claimed range of 0.1 to 5.0mm. Thus, for this reason also, Applicant respectfully requests the withdrawal of this §103 rejection of independent Claims 1 and 8 and associated dependent Claims 5 and 12.

Claims 1, 2, 4, 5, 8, 9, 11 and 12 stand rejected under 35 U.S.C. §103 as being unpatentable over United States Patent Application Publication No. 2002/0195183 to Glinz et al. in view of United States Patent No. 4,676,288 to Zinnen. Applicant respectfully traverses this rejection.

As a preliminary matter, Applicant notes that the Glinz et al. reference does not appear to be listed on a Form PTO-1449 (Information Disclosure Statement) or on a Form PTO-892 (Notice of References Cited). Accordingly, it is not yet officially of record. Therefore, in order to make this reference of record, Applicant respectfully requests that the Examiner list it on a Form PTO-892, and that a copy of the form be forwarded to Applicant at the address of record.

Applicant respectfully requests the withdrawal of this §103 rejection because the cited references fail to disclose or suggest all of the claimed features. As discussed above, the Zinnen reference fails to disclose or suggest the claimed noise-reducing device that includes a rough surface portion with "non-linear" irregularities, and it also fails to disclose or suggest that those irregularities have a ten-point height of irregularities (Rz) in a range of 0.1 to 5.0mm. Further, the Glinz et al. reference does not remedy these deficiencies, nor was it relied upon as such. Accordingly, for at least these reasons, Applicant respectfully

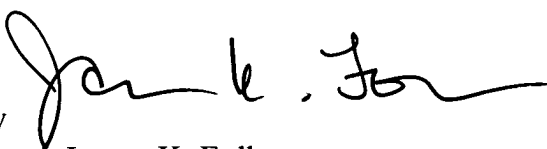
requests the withdrawal of this §103 rejection of independent Claims 1 and 8 and associated dependent Claims 2, 4, 5, 9, 11 and 12.

Finally, Applicant has also added new dependent Claims 15-22. Applicant respectfully submits that new Claims 15-22 are allowance for at least the reasons discussed above with regard to associated independent Claim 1 and 8

For all of the above reasons, Applicant requests reconsideration and allowance of the claimed invention. Should the Examiner be of the opinion that a telephone conference would aid in the prosecution of the application, or that outstanding issues exist, the Examiner is invited to contact the undersigned attorney.

Respectfully submitted,

GREER, BURNS & CRAIN, LTD.

By 

James K. Folker

Registration No. 37,538

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Suite 2500
300 South Wacker Drive
Chicago, Illinois 60606
(312) 360-0080

Customer No. 24978

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